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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,519	02/05/2002	Paul M. Hubel	10992681 -1	2887

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EXAMINER

ROSWELL, MICHAEL

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/072,519

Applicant(s)

HUBEL ET AL.

Examiner

Michael Roswell

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5-12, 14-21, and 24-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Strasnick et al (US Patent 5,671,381), hereinafter Strasnick.

Regarding claims 1, 11 and 20, Strasnick teaches means and a method for providing a plurality of files, each file comprising at least two attributes, mapping the at least two attributes into at least two dimensions, and rendering the at least two attributes representing each file into three-dimensional space, where an icon represents each file, and navigating through the three-dimensional space to view the icons representing each of the files, taught as the use of a file system navigator displaying files in 3D columns on a 3D pedestal, perceptibly representing the multiple attributes of a file through the file system navigator, and representing the type of each file through an icon on the 3D column representing the file, at col. 5, lines 48-67. As the file system navigator of Strasnick is implemented on a computer system, it inherently includes computer code for performing the related methods of the invention.

Regarding claims 2, 12 and 21, Strasnick teaches attributes of the file defining the position of the file in 3D space, taught as the display of a column height as being a function of the file size, at col. 5, lines 60-63.

Regarding claims 5, 14 and 24, Strasnick teaches each of at least two attributes corresponding to a numerical value, and values suitable for locating the file in at least two dimensions viewed in the three-dimensional space, taught as the use of a file system navigator "ground plane" representative of a numerical value or threshold for positioning the representation of a file in 3D space, at col. 6, lines 10-15.

Regarding claims 6, 15 and 25, Strasnick teaches rendering the at least two attributes in three-dimensional space with respect to a particular vantage point by teaching the display of 3D representations of files that are inherently viewed from a particular vantage point.

Regarding claims 7, 8, 16, 17, 26 and 27, Strasnick teaches adjusting the vantage point as a user navigates the three-dimensional space, and scaling the space accordingly, taught as the zooming of the navigator's view upon the selection of a cell or data block, at col. 10, lines 12-18.

Regarding claims 9, 18 and 28, Strasnick teaches accessing the three-dimensional space using a database query, taught as the use of a query tool for retrieving desired information from a database (at col. 19, lines 61-64) and the subsequent construction of a 3D model of the selected data (at col. 20, lines 63-67).

Regarding claims 10, 19 and 29, page 12 of applicant's specification describes the "time" attribute as being the time a photo was taken. Strasnick teaches representing the relative age of a file, and hence the time, at col. 5, line 66.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 13, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strasnick.

Regarding claims 3, 13 and 22, Strasnick teaches a means and method for organizing and navigating through files in three dimensions, as shown *supra*. Strasnick fails to explicitly teach each file on a display corresponding to a photographic image. However, Strasnick teaches the display of files in a file directory (at col. 5, lines 49-50), which according to user preference may contain only photographic images, similar to a "My Pictures" folder or a directory related to a digital camera. The Examiner takes OFFICIAL NOTICE of these teachings. Therefore, it would have been obvious to one of ordinary skill in the art to modify the directories of Strasnick to correspond each file with a photographic image.

Regarding claims 4 and 23, Strasnick teaches a means and method for organizing and navigating through files in three dimensions, as shown *supra*, and further teaches the use of a keyboard, mouse, and other interface devices for navigating through a three-dimensional space, at col. 5, lines 29-36. However, Strasnick fails to explicitly teach the use of a pointer, joystick, touch sensitive device, and an interactive feedback glove for such navigation. These "other user interface devices" are well-known in the art, and are commonly used to interface a user

with a computer system. The Examiner take OFFICIAL NOTICE of these teachings. Therefore, it would have been obvious to one of ordinary skill in the art to include a pointer, joystick, touch sensitive device, and an interactive feedback glove for navigation of the three-dimensional space taught by Strasnick.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited art relates to the state of the art in general and three-dimensional interfaces for file navigation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (703) 305-5914. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell  
8/18/2004



CAO (KEVIN) NGUYEN  
PRIMARY EXAMINER